

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KAEDEN KACIAK, ZOYAH
MATHIS, CHRISTOPHER
CLEMONS, JORGE IBARRA-
MENDOZA, CLIFFORD ROBINSON,
LISSELLE ANDERSON, TRINITY
SHAIN, ADAM ACOINE,
JONATHAN GIL, NICOLAS GARCES
and KERSTIN BARRETT,

Plaintiffs,

v.

Case No: 6:23-cv-1200-CEM-LHP

TAB RESTAURANT GROUP, LLC,

Defendant

ORDER

This cause came on for consideration without oral argument on the following
motion filed herein:

**MOTION: PLAINTIFFS' MOTION FOR COURTS ENTRY OF
DEFAULT AGAINST TAB RESTAURANT GROUP,
LLC. (Doc. No. 13)**

FILED: August 8, 2023

**THEREON it is ORDERED that the motion is DENIED without
prejudice.**

Plaintiffs move for Clerk's default against Defendant, stating that Defendant was served on July 11, 2023, and has failed to appear otherwise defend. Doc. No. 13. *See also* Doc. No. 10. Upon review, however, the motion will be denied without prejudice for failure to comply with Local Rule 3.01(a). Relatedly, the motion fails to adequately address, with citation to legal authority, that service of process on Defendant was proper under governing law. *See generally United States v. Donald*, No. 3:09-cv-147-J-32HTS, 2009 WL 1810357, at *1 (M.D. Fla. June 24, 2009) (before a Clerk's default can be entered against a defendant, the Court must determine that the defendant was properly served). A renewed motion, which shall be filed on or before **August 22, 2023**, must include a memorandum of legal authority establishing that service of process was proper under applicable law.

DONE and ORDERED in Orlando, Florida on August 8, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties